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10/829,310	04/20/2004	Takashi Ikeda	393032045000	5659
25224 7590 02/24/2009 MORRISON & FOERSTER, LLP 555 WEST FIFTH STREET SUITE 3500 LOS ANGELES, CA 90013-1024				
EXAMINER				
MURDOUGH, JOSHUA A				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/829,310

Applicant(s)

IKEDA ET AL.

Examiner

JOSHUA MURDOUGH

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE-08)
Paper No(s)/Mail Date 9/29/2008, 1/15/2009, 2/11/2009.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 C.F.R. §1.114

1. A request for continued examination (“RCE”) under 37 C.F.R. §1.114, including the fee set forth in 37 C.F.R. §1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 C.F.R. §1.114, and the fee set forth in 37 C.F.R. § 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 C.F.R. § 1.114. Applicant's submission filed on 21 November 2008 has been entered.

Acknowledgements

2. This action is responsive to the above noted RCE and the associated amendment.
3. Claims 1-18 are pending and have been examined.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 12 and 13 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. These claims depend from claim 11 which expressly set out a “management data region” and a “substance data region.” However, claims 12 and 13 recite, “in the management data region, there are included substance data....” One of ordinary skill in the art would understand

that the “substance data” should be in the “substance data region.” Claims 12 and 13’s recitation of “substance data” in the “management data region” makes the boundary between the two regions unclear. For purposes of prior art, the Examiner has interpreted the “management data region” in claims 12 and 13 as being intended to be “substance data region.”

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-8, 10-14, and 16-18, as understood by the Examiner, are rejected under 35 U.S.C. §102(b) as being anticipated by Farber (US 2002/0052884).

9. As to Claims 1 and 16, Farber shows:

- a. A music-content (“audio signal,” [0009]) using apparatus comprising:
- b. an acquisition section (remote mechanism 6., [0084-0090]) that acquires original music content (“True File,” [0090]);
- c. a replicated content generation section (operating system mechanism 6., [0074-0080]) that generates new music content on the basis of replication (“Copy File,” [0080]) of the original music content acquired via said acquisition section (“Mirror True File,” [0095]); and
- d. an additional information generation section **102** that, when said replicated content generation section generates the new music content, generates additional

information (Tables following [0123]) including information indicating that the generated new music content is based on replication ("True Name" shows the name of the original file, Table following [0123]) and replication source information identifying a replicated-from source at which the original music content is located ("source location," Table following [0127]),

e. wherein the additional information generated by said additional information generation section is added to the new music content generated by said replicated content generation section (data is linked to the new copy, [0494]).

10. As to Claims 10 and 18, Farber shows:

f. A music-content using apparatus comprising:

g. an acquisition section (remote mechanism 6., [0084-0090]) that acquires music content ("True File," [0090]) including additional information added thereto (Tables following [0123]), the additional information including information indicating that the music content is based on replication ("True Name" shows the name of the original file, Table following [0123]) and replication source information identifying a replicated-from source at which the music content is located ("source location," Table following [0127]);

h. a search section ("Locate True File remote mechanism," [0510]) that searches for original music content on the basis of the source information included in the additional information added to the music content acquired via said acquisition section ("True Name," Id.); and

- i. a use section (“Realize True File,” Id.) that permits use of the acquired music content only when the original music content has been successfully found by said search section (“realize the True File,” Id.).
- 11. As to Claim 2, Farber further shows:
 - j. said replicated content generation section replicates the original music content and generates, as the new music content, the replicated music content that comprises a replication of at least some of substance data of the original music content (the file is copied, thus all the music content is replicated, [0080]).
- 12. As to Claim 3, Farber further shows:
 - k. the new music content comprises a replication of all of the substance data of the original music content (the file is copied, thus all the music content is replicated, [0080]).
- 13. As to Claim 4, Farber further shows:
 - l. said replicated content generation section replicates the original music content and performs editing to change at least some of substance data of the replicated music content (modifications are tracked and therefor can be made, “Time of last modification,” Table after [0123]), to thereby generate, as the new music content, the replicated music content that includes at least the substance data changed by the editing (the modified local file is new music, Id.).

14. As to Claim 5, Farber further shows:

m. the new music content includes, as its substance data, only the substance data changed by the editing [0496].

15. As to Claim 6, Farber further shows:

n. the new music content does not include the substance data not changed by the editing [0496], and a storage location of the new music content is indicated by the replication source information included in the additional information added to the new music content ("Since some (or all) of the components of a large data item may already be present at a destination location, only those components which are not present there need be copied.", Id.).

16. As to Claim 7, Farber further shows:

o. the new music content generated by said replicated content generation section includes a management data region ("True Name," [0167]) and substance data region (everything but the 160 bits used for the "True Name," Id.), and the additional information generated by said additional information generation section is stored in the management data region ("True Name" is in the 160 bits, Id.).

17. As to Claims 8 and 17, Farber further shows:

p. a search section ("Locate True File remote mechanism," [0510]) that, when the new music content is to be used ("open pathname F," Id.), searches for the acquired

original music content on the basis of the replication source information included in the additional information ("True Name," Id.); and

q. a use section ("Realize True File," Id.) that permits use of the new music content only when the original music content has been successfully found by said search section ("realize the True File," Id.).

18. As to Claim 11, Farber further shows:

r. the music content acquired via said acquisition section includes a management data region ("True Name," [0167]) and substance data region (everything but the 160 bits used for the "True Name," Id.), and the additional information is stored in the management data region ("True Name" is in the 160 bits, Id.).

19. As to Claim 12, Farber further shows:

s. in the management data region, there are included substance data of the acquired music content that comprise a replication ("Mirror True File," [0095]) of at least some of substance data of the original music content [0167].

20. As to Claim 13, Farber further shows:

t. A music-content using apparatus as claimed in claim 11 wherein, in the management data region, there are included substance data of the acquired music content obtained by changing at least some of substance data of the original music content

(modifications are tracked and therefor can be made, "Time of last modification," Table after [0123]).

21. As to Claim 14, Farber further shows:

u. when use of the acquired music content is being permitted and if the at least some of substance data of the original music content are not included in the substance data region of the acquired music content ("realize the True File," [0510]), said use section acquires the at least some of substance data from the original music content found by said search section (found by "True Name," [0510])

Claim Rejections - 35 USC § 103

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claims 9 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Farber in view of Boykin (US 2001/0042048).

24. Farber shows as described above in regards to claims 1 and 10 and further shows:

a storage medium that stores music content (Figure 2);

25. Farber does not expressly show:

an encryption section that encrypts, with medium information specific to said storage medium, music content to be stored in said storage medium and then storing the encrypted music content in said storage medium.

26. Boykin shows:

an encryption section **120** that encrypts, with medium information specific to said storage medium, music content to be stored in said storage medium and then storing the encrypted music content in said storage medium **[0025]**.

27. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the teachings of Farber to add the encryption of contents of the storage medium as taught by Boykin. This would allow for access privileges to be implemented for the client (Boykin [0025]).

Response to Arguments

28. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA MURDOUGH whose telephone number is (571)270-3270. The Examiner can normally be reached on Monday - Thursday, 7:00 a.m. - 5:00 p.m.

30. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

31. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joshua Murdough
Examiner, Art Unit 3621

/ANDREW J. FISCHER/
Supervisory Patent Examiner, Art Unit 3621